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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No.

2010 - 615

11 **KRISTINA DEGUZMAN, AKA KRISTINA**
12 **DELMENDO, AKA KRISTINA**
13 **MICHELLE DELMENDO**
14 **11433 Ghiberti Way**
Northridge, CA 91326
Registered Nurse License No. 586929

ACCUSATION

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about September 6, 2001, the Board of Registered Nursing issued Registered
23 Nurse License Number 586929 to Kristina Deguzman, aka Kristina Delmendo, aka Kristina
24 Michelle Delmendo (Respondent). The Registered Nurse License was in full force and effect at
25 all times relevant to the charges brought herein and will expire on February 28, 2011, unless
26 renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:"

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially

1 related to the qualifications, functions, or duties of the business or profession for which the
2 license was issued.

3 9. Section 125.3 of the Code provides, in pertinent part, that the
4 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
5 have committed a violation or violations of the licensing act to pay a sum not to exceed the
6 reasonable costs of the investigation and enforcement of the case.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Conviction of Substantially Related Crime)

9 10. Respondent is subject to disciplinary action under section 490 and 2761(f), in that on
10 or about February 2, 2010, Respondent was convicted of a crime substantially related to the
11 qualifications, functions or duties of a registered nurse. The circumstances are as follows:

12 A. On or about February 2, 2010, in a criminal proceeding entitled *The People of the*
13 *State of California vs. Kristina Michele Delmendo* in Los Angeles County Superior Court, Case
14 No. BA332012, Respondent was convicted of violating Welfare and Institution code section
15 14107.2 subdivision (b) (pay kickback, bribes), a felony.

16 B. The circumstances of the conviction are that between January 1, 2004 to September 1,
17 2007, Respondent paid cappers a kickback in exchange for the referral of Medi-Cal beneficiaries'
18 enrollment at her employer's hospice care facility. Respondent agreed to pay each beneficiary a
19 kickback for their initial and continued enrollment at her employer's hospice care facility.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct)

22 11. Respondent is subject to disciplinary action under section 2761, subdivision (a) in
23 that between January 1, 2004 to September 1, 2007, Respondent committed acts of unprofessional
24 conduct, as more fully described above in paragraph 10, above.

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1. Revoking or suspending Registered Nurse License Number 586929, issued to Kristina Deguzman, aka Kristina Delmendo, aka Kristina Michelle Delmendo;

3. Taking such other and further action as deemed necessary and proper.

5/28/10.

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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